

REMARKS

Introduction

The present application includes claims 1, 2, 4-16, 24 and 36-40. With this amendment, Applicants have amended claims 1, 8, 12-14 and 24. Claims 26, 27, 30, and 41 have been canceled. As such and upon entry of this amendment, claims 1, 2, 4-16, 24 and 36-40 will be pending in this application.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-2, 4-11, 16, 24, 30 and 36-39, and 41 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,409,403 to Falossi et al. (Falossi).

In light of the amendments made to claims 1, 8 and 24, Applicants submit the Falossi does not support the rejection to claims 1, 2 and 24.

With regards to claim 1, Falossi simply does not describe receptacle including cavity, a first and second detent and a plug including a first and a second contact wherein the second contact contacts the first detent during insertion of the plug into the receptacle cavity.

With regards to claim 8, Falossi does not describe a receptacle including a central axis and a plug including ring portions being offset from the receptacle contacts along the central axis when the plug body is in the seated position. Likewise for claim 24, Falossi does not describe a receptacle having a cavity including a central axis and a plug having an annular ring wherein the receptacle includes a detent being offset with respect to the ring to resist removal of the plug from one receptacle when the plug is substantially fully inserted into the cavity.

Since claims 2, and 4-7 depend from claim 1 and claim 1 is believed to be allowable, Applicants believe claims 2, 4-7, 9-11, and 16 are allowable as well.

Since claims 36-38 depend from claim 8 and claim 8 is believed to be allowable, claims 36-38 are believed to be allowable as well.

Since claims 39 depends from claim 24 and claim 24 is believed to be allowable, Applicants believe claim 39 is allowable as well.

Claim Rejections Under 35 U.S.C. § 103

Claims 12-15 and 40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Falossi.

For the U.S. Patent and Trademark Office to “establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or

motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” Manual of Patent Examining Procedure (M.P.E.P.) Section 2143.

It is well known that when combining the content of various references “there must be some teaching, suggestion or motivation in the prior art to make the specific combination that was made by the applicant.” *In re Dance*, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998); *In re Raynes*, 28 USPQ2d 1630, 1631 (Fed. Cir. 1993); *In re Oetiker*, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). “The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.” *In re Gordon*, 221 USPQ 1125, 1127 (Fed. Cir. 1984).

Moreover, the Patent and Trademark Office can satisfy its burden of establishing obviousness “only by showing some *objective* teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead an individual to combine the relevant teachings of the references.” *In re Fine*, 1837 F.2d 1071, 1073, 5 USPQ2d 1596 (Fed. Cir. 1988) (emphasis added) (citations omitted). The Federal Circuit in *In re Fine* stated that a “bald assertion” of substituting an element in a prior art reference would have been within the ordinary skill in the art is insufficient to support a finding of obviousness.” *Id.* at 1074.

The Federal Circuit has emphasized the requirement that the prior art must suggest the modifications necessary to achieve the claimed invention. The “mere possibility” that a prior art reference could be modified such that its use would lead to the particular result recited in a claim does not make that recited in the claim obvious “unless the prior art suggested the desirability of such a modification.” *In re Ochia*, 71 F.3d 1565, 1570, 37 USPQ2d 1127 (Fed. Cir. 1995). “Obviousness cannot be established by hindsight combination to produce the claimed invention.” *In re Dance*, 48 USPQ2d at 1637; *In re Gorman*, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991).

In light of the amendment made to claim 12, Applicants submit that claim 12 is not obvious in view of Falossi. Falossi simply does not teach or suggest a receptacle having a first, second, and third contact, a plug having a first, second and third receptacle contact with a first and second annular insulator disposed between the plug contacts wherein the first and second annular insulators have a different length such that one plug contact contacts one receptacle contact during insertion and prior to being seated. Since claim 13 depends from

claim 12 and claim 12 is believed to be allowable, claim 13 is believed to be allowable as well.

In light of the amendment made to claim 14, Applicants submit that claim 14 is not obvious in view of Falossi. Falossi does not teach or suggest a receptacle having a first, second, third and fourth contacts, a plug having a body including first, second, third and fourth contacts such that one plug contact contacts one receptacle contact during insertion and prior to being seated. Since claim 15 depends from claim 14 and claim 14 is believed to be allowable, claim 15 is believed to be allowable as well.

As previously stated with regards to claim 24, Applicants believe that Falossi does not describe Applicants' claimed invention. Furthermore, Applicants believe that Falossi does not suggest or teach Applicants' claimed invention which includes a receptacle having a cavity including a central axis, and a plug having an annular ring wherein the receptacle includes a detent being offset with respect to the ring to resist removal of the plug from the receptacle when the plug is substantially fully inserted into the cavity.

Since claim 40 depends from claim 24 and Applicants believe that claim 24 is allowable, Applicants believe that claim 40 is allowable as well.

Final Remarks

In view of the foregoing, it is respectfully submitted that all of the solicited claims are in condition for allowance. Such action is respectfully requested.

If necessary, Applicants request that this response be considered a request for an extension of time appropriate for the response to be timely filed. Applicants request that any required fees needed beyond those submitted with this response be charged to the Deposit Account of Bose McKinney & Evans, Deposit Account No. 02-3223.

The Examiner is invited to contact the undersigned at the telephone number provided below should any question or comment arise during reconsideration of this matter.

Respectfully submitted

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